

MOTOR VEHICLES AND TRAFFIC REGULATION

Fines and Penalties/ Fees and Permits

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Regulation of Motor Vehicles

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Special License Plates

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HB 08-1175 (Signed Into Law)
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SB 08-101 (Signed Into Law)
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SB 08-178 (Signed Into Law)
Horse Authority Special License
Plates

SB 08-186 (Signed Into Law)
Colorado Carbon Fund Special
License Plates

Fines and Penalties/ Fees and Permits

The General Assembly reviewed seven bills to establish or amend fines, penalties, fees, or permits related to motor vehicles. Three bills proposed motor vehicle traffic fine increases, two bills addressed fees and permits for commercial vehicles, and two bills repealed statutorily established fees or dues.

Fines and penalties. The General Assembly enacted two of three proposed bills to increase motor vehicle traffic fines. **House Bill 08-1010** was passed following testimony and discussion about how the state's motor vehicle fines compare nationally. A bill recommended by the Transportation Legislation Review Committee (TLRC) changes state motor vehicle violation fines as follows:

- the minimum fine for a class 2 traffic misdemeanor increases from \$10 to \$150;
- the minimum fine for a class 1 traffic misdemeanor increases from \$100 to \$300;
- the minimum fine for vehicle eluding doubles;
- the minimum fines for driving under the influence (DUI), driving while ability impaired (DWAI), underage drinking and driving (UDD), and habitual user driving doubles;
- fine revenue from DUI, DWAI, UDD, and habitual user driving for violations occurring on a state or federal highway is credited 25 percent to the local governments and 75 percent to the Highway Users Tax Fund; and
- reapportions the distribution of seat belt violation fine revenue to local jurisdictions from 100 percent to 50 percent for violations occurring on state and federal highways, reallocating the remaining 50 percent to the Highway Users Tax Fund.

As recommended by the TLRC, **House Bill 08-1036**, the Charles Mather Safety Act, is named in memory of a state Department of Transportation (CDOT) employee killed while working in a construction zone. The bill repeals the \$40 maximum fine limit for violations occurring in construction zones when an automated vehicle identification system, "photo radar," is used, and instead strengthens safety in construction zones by:

- doubling the fines for specified moving traffic violations, such as speeding, within designated zones;
- authorizing the Department of Public Safety, at CDOT's request, to use photo radar to detect speeding violations in construction zones while maintenance, repair, or construction is occurring; and
- requiring drivers approaching these zones to exhibit care and yield the right-of-way to maintenance, repair, or construction vehicles.

Finally, **House Bill 08-1104**, which was deemed lost, would have established an "aggravated right-of-way" misdemeanor traffic offense. The offense would have applied to any person in violation of a right-of-way traffic provision that resulted in the proximate cause of serious bodily injury or death to another person. The first violation would have been a class C traffic infraction, punishable by a \$400 fine, and subsequent violations would have been a class 1 misdemeanor traffic offense, punishable by a maximum sentence of one year imprisonment, \$1,000 fine, or both.

Fees and permits. The General Assembly enacted two bills addressing fees and permits for commercial vehicles. The first bill, **House Bill 08-1257**, authorizes CDOT, the Department of Revenue (DOR), and the Colorado State Patrol to issue permits to vehicles with overweight divisible

loads, provided the vehicle has a quad axle grouping, does not exceed 110,000 in gross weight, and the owner and operator comply with applicable federal laws. The second bill, **Senate Bill 08-059**, replaces the statutorily required \$100 commercial driver's license test fee with a fee that is set by the DOR. The bill requires the DOR to promulgate rules by December 1, 2008, and every three years thereafter, setting a limit on the amount that commercial driver license testing units may charge for administering the driving test. It further requires the DOR to set rules that provide for a lower fee limit for driving tests provided to an employee or volunteer of a nonprofit organization that provides specialized transportation services for the elderly and for persons with disabilities, to any individual employed by a school district, or to any individual employed by a board of cooperative services.

The General Assembly repealed two motor vehicle fee requirements. **House Bill 08-1098** repeals the issuance fee for persons with disabilities vehicle placards. And, under **Senate Bill 08-143**, alumni association plate sponsors will no longer be authorized to require the payment of alumni association dues as a condition of obtaining the special license plate. Instead, the bill requires alumni association plate sponsors to establish a one-time fee to qualify for the special license plate. Fee revenue must be used for student scholarships or to support academic programs at the university or college. The act also requires the DOR to retire the special license plates if fewer than 500 plates are issued by March 1, 2011.

Regulation of Drug and Alcohol Related Driving Offenses

The General Assembly reviewed six pieces of legislation regulating drug- and alcohol-related driving offenses, of which three were enacted and three were postponed indefinitely. **House Bill 08-1166** repeals and reenacts, with amendments, the state statute authorizing the DOR to revoke a person's driver's license due to the presence of alcohol or drugs in the person's system or the person's refusal to take a test to determine whether there is alcohol or drugs in the person's system at the time of driving. **Senate Bill 08-076** authorizes a court to set a bail for persons charged with a DUI-related traffic offense or an offense related to a previous DUI-charge, such as driving with a revoked-license. **House Bill 08-1194** extends the length of time that a person's driver's license is revoked or suspended as a result of alcohol- or drug-related offenses, and authorizes a person whose driver's license has been revoked for a first-time alcohol-related offense:

- to seek a restricted license requiring the use of an ignition interlock device; and
- to be eligible for an unrestricted license if no violations are identified for a specified period.

The bill also:

- increases the reinstatement fee following a revocation or suspension as a result of an alcohol- or drug-related offense,
- specifies that a portion of the increased fee be transferred to the First Time Drunk Driving Offender Account in the Highway Users Tax Fund to be used to pay for an ignition interlock device for a person who cannot afford the device; and
- requires CDOT to include as a priority within the Strategic Transportation Project Investment program increased episodes of high-visibility drunk driving law enforcement, which must be independent of the Drunk Driving Prevention and Law Enforcement program.

First time offenders 21 years and older and requiring only a nine month revocation may voluntarily apply for an early reinstatement with a restricted license through use of an ignition interlock device.

House Bill 08-1071, which was postponed indefinitely, would have changed the background color of a person's driver's license to green if the person was convicted of a DUI, or convicted of operating a motor vehicle while being a habitual user of a controlled substance. The background would have been changed to red if the person was classified as a persistent drunk driver.

House Bill 08-1313, which was postponed indefinitely, would have established a new class 5 felony, aggravated driving under the influence, for persons committing a drunk driving offense and having the following prior criminal history:

- prior vehicular homicide or vehicular assault conviction;
- two prior alcohol-related offenses; or
- at least one prior alcohol-related offense with a 0.2 or greater blood alcohol content.

Finally, **Senate Bill 08-140** would have required a law enforcement officer to request and direct any person involved in a traffic accident resulting in death or serious bodily injury to take and complete an alcoholic or drug content test within two hours of the driving. The bill was postponed indefinitely.

Driver's Licenses

The General Assembly reviewed five driver's license-related bills. Three make administrative changes, one establishes a new endorsement for motorcycles, and one, which was postponed indefinitely, would have required the arrest of a person with a forged driver's license or permit.

Driver's license emergency contact information. **House Bill 08-1056** directs the DOR to create and make available on its official website by January 1, 2009, an electronic form allowing a person with a driver's license, minor driver's license, instruction permit, temporary driver's license, or identification card to provide the contact information of up to two persons to be contacted in the case of an emergency. The bill also requires the DOR to include this option on the applications of such licenses and permits. The emergency contact information may only be disclosed to authorized law enforcement or public safety personnel authorized to access the driver's license database, and only in the event the person is injured or killed as a result of an accident, criminal act, or other emergency situation.

Commercial driver's license statutes. **House Bill 08-1121** amends state commercial driver's license statutes to comply with the federal Motor Carrier Safety Improvement Act of 1999. **Senate Bill 08-050** raises the age limit from 60 to 65 for persons authorized to renew a driver's license electronically or by mail. Applicants under 66 years of age renewing by mail must attest that they have had an eye examination by an optometrist or ophthalmologist within three years before the renewal. Applicants 66 years of age and older may renew by mail if they provide a DOR form signed by an optometrist or ophthalmologist attesting that the applicant has had an eye examination within the last six months. Applicants renewing electronically may only do so every other driver's license renewal period and must attest that they have had an eye examination by an optometrist or ophthalmologist

within three years before the renewal. Electronic renewal is only available to applicants under 66 years of age.

Motorcycle endorsement. **House Bill 08-1050** requires the DOR to establish a motorcycle endorsement program for driver's licenses, minor driver's licenses, and instruction permits. Applicants for a motorcycle endorsement must demonstrate their ability to operate the type of motorcycle for which they are seeking an endorsement. A general motorcycle endorsement authorizes the holder to operate any motorcycle on public roads. A limited three-wheel motorcycle endorsement authorizes the holder to operate a three-wheel motorcycle only. Any person operating a motorcycle without the proper endorsement commits a class 2 misdemeanor traffic offense.

Illicit drivers' licenses and permits. **House Bill 08-1184** would have required a peace officer to arrest a person if probable cause existed to believe the person had forged a driver's license or permit. It further would have prohibited a person unlawfully present in the United States and without a valid driver's license from operating a motor vehicle on state highways. A peace officer would have been required to arrest a person if probable cause exists to believe the person is in the United States unlawfully. Finally, the bill would have authorized law enforcement agencies that enforce traffic laws to enter into an agreement with the United States' Attorney General to enforce immigration law. The bill was postponed indefinitely.

Regulation of Motor Vehicles

The General Assembly addressed the issues of stolen and abandoned motor vehicles, created a new classification of trailers, synchronized off-highway sound standards with federal law, and enacted pre-licensing education requirements for motor vehicle dealer licensure. The legislature rejected bills to eliminate the diesel emissions inspection program for El Paso, Larimer, and Weld counties and to alter the circumstances under which a law enforcement officer is required to investigate and report on a traffic accident.

Stolen and abandoned vehicles. **House Bill 08-1136** prohibits the DOR from registering or transferring a vehicle if the owner of the vehicle has filed an affidavit with the department alleging that the vehicle has been stolen. After receiving a application for registration or certificate of title, the DOR must verify whether a motor vehicle has been stolen by checking the motor vehicle's vehicle identification number with the Colorado Motor Vehicle Verification System in the Colorado Bureau of Investigation.

Senate Bill 08-144 amends the current process by which motor vehicle repair shops dispose of vehicles abandoned at their shops. The bill outlines the process for a repair shop to obtain a certificate of title for an abandoned motor vehicle, which includes establishing the vehicle's fair market value, ensuring that the vehicle has not been stolen, requesting a title search, and verifying that, after notification, neither the vehicle's owner nor any lienholders have attempted to claim the vehicle. The bill authorizes a repair shop or agent to sell the motor vehicle after the repair shop or the agent has obtained the certificate of title for the motor vehicle. A repair shop owner may only sell a vehicle for the purpose of junking, scrapping, or dismantling if the vehicle's fair market value is less than \$200.

Multipurpose trailer classification. **Senate Bill 08-105** creates a new class D personal property recreational vehicle classification — the "multipurpose trailer." To be classified as such, the vehicle must be:

- wheeled and without motive power;
- designed to be drawn by a motor vehicle over public highways;
- generally and commonly used for temporary living or sleeping accommodation and transporting property; and
- registered as a vehicle.

Off-highway vehicle sound standards. **Senate Bill 08-063** replaces current off-highway vehicle and snowmobile sound standards with statewide standards in compliance with federal laws.

Motor vehicle dealer licensure. **Senate Bill 08-151** requires any person applying for a used motor vehicle dealer's license, a wholesale motor vehicle auction dealer's license, or a wholesaler's license to meet pre-licensing education requirements. Any person applying for a used powersports vehicle dealer's license must meet pre-licensing education requirements as well; however, the law makes an exemption for a person who has held a license, within the last three years, as a motor vehicle dealer, used motor vehicle dealer, wholesaler, wholesale motor vehicle auction dealer, powersports vehicle dealer, or used powersports vehicle dealer.

State diesel emissions program. **House Bill 08-1133** would have eliminated El Paso, Larimer, and Weld counties from the state diesel emissions inspection program. The bill was postponed indefinitely.

Motor vehicle traffic accidents. **House Bill 08-1198**, which was postponed indefinitely, would have amended changed the circumstances under which a law enforcement officer is required to investigate and report on a traffic accident. Accordingly, a local law enforcement official would not have been required to investigate and complete a report on a traffic accident if:

- the damage to the property of any one person did not exceed \$3,500 dollars (up from \$1,000 in current law);
- the traffic accident did not involve a motor vehicle; or
- the local law enforcement agency determined that inclement weather, high call volume, or staffing shortages would have unreasonably delayed the law enforcement agency's response to the traffic accident.

Special License Plates

The 2008 legislative session saw the General Assembly enact one bill amending special group license plate requirements and establish five new special group license plates.

Changes to special license plate requirements. **House Bill 08-1045** repeals obsolete special license plate provisions and requires the retirement of specified special license plates if they are not issued for at least 3,000 vehicles by January 1, 2009. The bill also repeals the issuance of personalized horseless carriage special license plates and authorizes the issuance of personalized collector's items special license plates.

The General Assembly authorized the following five new special license plates during the 2008 legislative session.

Boy scouts special group license plate. **House Bill 08-1151** establishes the Boy Scouts Centennial special license plate, which recognizes 100 years of the Boy Scouts organization. The DOR will issue the plate from July 15, 2009, to June 30, 2011. The bill also authorizes the DOR to issue a military/veterans special license plate to a motor vehicle owned by a trust created for the benefit of a person who is qualified to receive the plate.

Fourth infantry special license plate. **House Bill 08-1175** establishes the United States Army Fourth Infantry Special License Plate. The bill authorizes the DOR to issue one or more sets of the plates to any person who pays the appropriate fees and supports the United States Army Fourth Infantry Division, which is based at Fort Hood, Texas, and has three maneuver brigades stationed at Fort Carson, Colorado.

North American Aerospace Defense Command special commemorative license plate. **Senate Bill 08-101** authorizes the DOR to issue a North American Aerospace Defense Command (NORAD) commemorative special license plate until July 1, 2010, to any person who pays the appropriate fees.

Colorado Horse Development Authority special group license plate. **Senate Bill 08-178** establishes the Colorado Horse Development Authority special license plate and authorizes the DOR to issue the plate to any person who makes a \$30 donation to the Colorado Horse Development Authority and pays the required taxes and fees.

Colorado Carbon Fund special license plate. **Senate Bill 08-186** establishes the Colorado Carbon Fund special license plate. The bill authorizes the DOR to issue the plate to any person who pays the required taxes and fees and makes a donation to the Colorado Carbon Fund, which is under the Governor's Energy Office.